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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

DAVID GILBERT SAFFRON
a/k/a DAVID GILBERT and
CIRCLE SOCIETY, CORP.,

Defendants.

Case No. 2:19-cv-1697-JAD-DJA

**PLAINTIFF CFTC'S ADDENDUM TO ITS
OPPOSITION TO JAMES DAMIEN
SCOTT'S MOTION TO QUASH SUBPOENA
(ECF NO. 86)**

Plaintiff Commodity Futures Trading Commission ("Commission" or "CFTC") respectfully submits this addendum to its opposition to James Damien Scott's ("Scott") motion to quash the CFTC's subpoena *duces tecum* to JP Morgan Chase Bank ("Opposition to Motion to Quash," ECF No. 87). The CFTC filed its Opposition to Motion to Quash on December 7, 2020.

The CFTC notes that it did not receive the "Sworn Statement of Movant in Support of Motion to Quash" ("Sworn Statement," ECF No. 86-2) with the Motion to Quash via the CM/ECF system. However, Scott's counsel sent a hard copy of the Sworn Statement with the Motion to Quash to the CFTC's unstaffed office in Washington, D.C. via the U.S. Postal Service. The CFTC's mailroom did not receive the Sworn Statement until yesterday, December 7, 2020.

In light of the CFTC's receipt of the Sworn Statement, the CFTC withdraws the

1 following sentence in its Opposition: “The Motion to Quash . . . fails to attach an affidavit or
 2 sworn statement as required by 12 U.S.C. § 3410(a) (2018).” Opposition to Motion to Quash,
 3 ECF No. 87 at 1-2. Other than withdrawing the sentence cited above, the CFTC’s Opposition
 4 remains unchanged.¹

5 Dated: December 8, 2020

Respectfully submitted,

6 By: /s/ Danielle E. Karst
 7 Danielle E. Karst
 8 Timothy J. Mulreany
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 10 **COMMISSION**
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25 ¹ The CFTC notes that the Sworn Statement (ECF No. 86-2) is similar in substance to Scott’s
 26 email to the CFTC dated November 20, 2020 (Ex. J. to Malas Decl., SDKD-JDScott-1). The
 27 CFTC’s Opposition directly addresses Scott’s claims in his November 20, 2020 email. *See*
 28 Opp. to Mot. to Quash, ECF No. 87 at 8; Malas Decl., ECF No. 87-1 at ¶¶ 6-7.

CERTIFICATE OF SERVICE

I certify that on December 8, 2020, I filed a copy of *Plaintiff CFTC's Addendum to Its Opposition to James Damien Scott's Motion to Quash Subpoena*, with the Clerk of the Court using the CM/ECF system. I also certify that on December 8, 2020, I sent the same to Defendants and counsel for James Damien Scott via United Parcel Service overnight mail and electronic mail at the following addresses:

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/s/ Danielle E. Karst

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